

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation**
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**Master File No. 1:00-1898
MDL 1358 (SAS): M21-88**

This Document Relates To:

NJ Department of Environmental Protection, et al.

Civil Action No. 08-00312

Plaintiffs

v.

Atlantic Richfield, Co., et al.

Defendants

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*Getty Properties Corp.
Defendant/Third-Party Plaintiff*

v.

*H.P. Delta, Inc.; Robert Melecci; Dhandi Transport, Inc.;
and John and Jane Does Nos. 1 - 100*

Third-Party Defendants

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**ANSWER OF DEFENDANT/THIRD-PARTY PLAINTIFF GETTY
PROPERTIES CORP. TO THIRD-PARTY DEFENDANT DHANDI TRANSPORT,
INC.'S AFFIRMATIVE DEFENSES AND COUNTERCLAIMS**

Defendant/Third-Party Plaintiff, Getty Properties Corp. ("GPC"), by and through its attorneys, Rawle & Henderson LLP, hereby Answers the Affirmative Defenses and Counterclaims of Third-Party Defendant Dhandi Transport, Inc. ("Dhandi") as follows:

ANSWER TO AFFIRMATIVE DEFENSES

1. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

2. Denied.

3. Denied.

4. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

5. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

6. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

7. Denied.

7. [sic] Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

8. Denied.

9. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

10. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

11. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

12. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

13. Denied.

14. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

15. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

16. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

17. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

18. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

19. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

21.[sic] Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

22. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

23. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

24. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

25. Denied.

26. Denied.

27. Denied.

28. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

29. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

30. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

31. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

32. Denied.

33. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

34. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

35. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

36. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

37. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

38. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

39. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

40. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

41. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

42. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

43. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

44. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

45. Denied.

46. Denied. GPC lacks information or knowledge sufficient to form a belief regarding the allegations contained in Paragraph 46 of Dhandi Transport's Answer.

47. Denied. GPC lacks information or knowledge sufficient to form a belief regarding the allegations contained in Paragraph 47 of Dhandi Transport's Answer.

48. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

49. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

50. Denied.

51. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

52. Paragraph 52 of Dhandi Transport's Answer is an incorporation paragraph to which no responsive pleading is required. To the extent that a response is required GPC denies all affirmative defenses, whether specific or general, incorporated herein.

53. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

54. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

55. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

56. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

57. Denied. GPC denies this affirmative defense as it contains conclusions of law to which no responsive pleading is required.

WHEREFORE, Defendant/Third-Party Plaintiff, Getty Properties Corp., requests that this Honorable Court dismiss the Affirmative Defenses of Third-Party Defendant Dhandi Transport, Inc. and enter judgment in favor of Getty Properties Corp. including attorney's fees, interest, costs of suit and such other relief as this Court may deem equitable and just.

ANSWER TO COUNTERCLAIMS

FIRST COUNT

1. Denied. The allegations contained in this paragraph are legal conclusions for which no response is required. If a response is required, the allegations are denied.

WHEREFORE, Defendant/Third-Party Plaintiff, Getty Properties Corp., demands judgment in its favor and requests the Court grant such other and further relief that may be just and appropriate.

SECOND COUNT

1. Defendant/Third-Party Plaintiff, Getty Properties Corp. incorporates by reference as though fully set forth herein the Answer contained in the First Count above.

2. Denied. The allegations contained in this paragraph are legal conclusions for which no response is required. If a response is required, the allegations are denied.

WHEREFORE, Defendant/Third-Party Plaintiff, Getty Properties Corp. demands judgment in its favor and requests the Court grant such other and further relief that may be just and appropriate.

RAWLE & HENDERSON LLP

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Attorneys for Defendant/Third-Party
Plaintiff Getty Properties Corp.

Date: June 8, 2011

CERTIFICATION OF SERVICE

I, John C. McMeekin, Esquire, an attorney for Defendant/Third-Party Plaintiff Getty Properties Corp. certifies that on this date, a copy of the Answer of Defendant/Third-Party Plaintiff Getty Properties Corp. to Third-Party Defendant Dhandi Transport, Inc.'s Affirmative Defenses and Counterclaims was served upon all parties of record via the Court's Electronic Case Filing System and via LexisNexis File and Serve.

/s/ John C. McMeekin
John C. McMeekin, Esquire

Date: June 8, 2011